

Regular Session, 2009

HOUSE BILL NO. 896 (Substitute for House Bill No. 49 by Representative Richard)

BY REPRESENTATIVE RICHARD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ETHICS/FINANCIAL DISCLOS: Provides relative to annual financial disclosure for certain public servants

1 AN ACT

2 To amend and reenact R.S. 42:1124.3(A) and to enact R.S. 42:1124.2(G)(4) and (J) and
3 1124.3(D)(3), relative to financial disclosure; to require certain disclosures by certain
4 public servants; to provide for the content of such disclosures; to provide for
5 effectiveness; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:1124.3(A) is hereby amended and reenacted and R.S.
8 42:1124.2(G)(4) and (J) and 1124.3(D)(3) are hereby enacted to read as follows:

9 §1124.2. Financial disclosure; certain elected officials; members of certain boards
10 and commissions; ethics administrator

11 * * *

12 G. For purposes of this Section, the following words shall have the following
13 meanings:

14 * * *

15 (4) "Tiered governing authority" shall mean the governing authority of a
16 political subdivision, which governing authority includes at least one person holding
17 a public office who represents a voting district having a population of five thousand
18 or more persons and at least one person holding a public office who represents a
19 voting district having a population of fewer than five thousand persons.

20 * * *

J. Notwithstanding Subsection A of this Section, a person holding a public office who represents a voting district having a population of five thousand or more persons and who serves on a tiered governing authority shall not annually file a financial statement pursuant to this Section but shall instead annually file a financial statement pursuant to R.S. 42:1124.3.

* * *

§1124.3. Financial disclosure; ~~certain~~ elected officials; representing voting districts
of under five thousand; members of certain boards and commissions

A. Each of the following, except a person who is required to file a financial statement pursuant to R.S. 42:1124, 1124.2, or 1124.2.1, shall annually file a financial statement as provided in this Section:

(1) Each person holding a public office who represents a voting district having a population of fewer than five thousand, ~~except any person who is required to file a financial statement by R.S. 42:1124, 1124.2, or 1124.2.1, shall annually file a financial statement as provided in this Section persons.~~

(2) Each person holding a public office who represents a voting district having a population of five thousand or more persons and who serves on a tiered governing authority.

* * *

D. For purposes of this Section, the following words shall have the following meanings:

* * *

(3) "Tiered governing authority" shall have the same meaning as provided
in R.S. 42:1124.2.

Section 2.(A) This Act shall apply to reporting periods beginning in 2009 and thereafter.

(B) This Act shall become effective January 1, 2010.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Richard

HB No. 896

Abstract: Allows an elected member of a governing authority who represents a voting district of 5,000 or more to file pursuant to Tier 3 instead of Tier 2 if another member of the same governing authority represents a voting district of fewer than 5,000.

Present law (Code of Governmental Ethics–R.S. 42:1124, 1124.2, 1124.2.1, and 1124.3) provides different tiers of annual financial disclosure for certain public officials.

Present law (R.S. 42:1124.2–informally termed "Tier 2") requires each legislator, each person holding a public office who represents a voting district having a population of 5,000 or more, each member of the Board of Ethics, the ethics administrator, and each member of BESE to annually file a financial disclosure statement. Generally requires disclosure of specific information for the filer and his spouse regarding occupation, employment, business associations, income, property interests, investments, purchases and sales, and creditors.

Present law (R.S. 42:1124.3–informally termed "Tier 3") requires each person holding a public office who represents a voting district having a population of fewer than 5,000 to annually file a financial statement. Generally requires disclosure of income from the state or a political subdivision or from a gaming interest.

Proposed law provides that a person holding a public office who represents a voting district having a population of 5,000 or more shall file pursuant to Tier 3 instead of Tier 2 if he serves on a tiered governing authority. Defines "tiered governing authority" as the governing authority of a political subdivision, which governing authority is composed of at least one person holding a public office who represents a voting district having a population of 5,000 or more and at least one person holding a public office who represents a voting district having a population of fewer than 5,000. Otherwise retains present law.

Effective Jan. 1, 2010.

(Amends R.S. 42:1124.3(A); Adds R.S. 42:1124.2(G)(4) and (J) and 1124.3(D)(3))

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Removes proposed changes to the disclosure requirements applicable to a member of a board or commission who does not receive compensation for his service.